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09/394,660 09/13/99 ROBERTS

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EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

04/24/01

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/394,660

Applicant(s)
Roberts et al.

Examiner
Clark F. Dexter

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3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 23, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) 2, 3, 7-9, 11, 12, 16, and 20-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 10, 13-15, and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Jan 23, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. The amendment filed October 23, 2000 and the response filed January 23, 2001 have been entered.

Drawings

2. The proposed drawing corrections filed on October 23, 2000 and January 23, 2001, and the proposed new sheet of drawings (containing new Figures 11 and 12), filed on October 23, 2000 have been **approved**.

3. The drawings are objected to because in new Figure 11, numeral 13 (located between the ticket strips at the bottom thereof) appears to be inaccurate, and it seems that it should be changed to --213--. Correction is required.

Specification

4. The disclosure is objected to because of the following informalities:

A description does not appear to be provided for numeral 54 shown in Figure 1 (located on side panel 28).

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

5. Claims 1, 4-6, 10, 13-15 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, line 1, “housing” is vague and indefinite as to what structure it refers; in line 2, “bottom wall support” is vague and indefinite as to what structure it refers; also in line 2, “a pair of side walls” is vague and indefinite as to what structure it refers; in lines 8-10, “shaped to cover said bottom support structure with space between said bottom support structure and said cover” is vague and indefinite as to what is being set forth, particularly as to what space is being referred since there does not appear to be such a space in the embodiment of Figures 1 and 2; in lines 10-11, the recitation “shaped to contain a plurality of arrays of tickets” is vague and indefinite as to how the space is shaped.

In claim 5, lines 5-8, the recited structure including “a drive motor”, “a drive shaft”, “a plurality of input rollers” and “selectively operable transmission means” is vague and indefinite as to whether it is defining the drive means set forth in claim 1 or other such drive structure.

In claim 6, lines 3-5 are vague and indefinite as to what structure “two sections joined together along a vertical line ...” refers; in line 6, “at least one housing extension element” is

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vague and indefinite as to what structure it refers (i.e., as to what structure of the elected embodiment of Figures 1 and 2).

In claim 10, lines 2-3, “a housing” is vague and indefinite as to what structure it refers; in line 3, “bottom wall” is vague and indefinite as to what structure it refers; also in line 3, “a pair of side walls” is vague and indefinite as to what structure it refers; in lines 8-9, “shaped to cover said bottom wall with space between said bottom wall and said cover” is vague and indefinite as to what is being set forth, particularly as to what space is being referred since there does not appear to be such a space in the embodiment of Figures 1 and 2; in lines 9-10, the recitation “adapted to contain a plurality of arrays of tickets” is vague and indefinite as to how the space is adapted; in lines 18-19, “said opposite side of said bottom” lacks antecedent basis; in line 19, the recitation “in a store” is vague and indefinite as to whether the store is being claimed as part of the invention.

In claim 13, lines 3-5, the recited structure including “a drive motor” and “means for moving each of said strips” is vague and indefinite as to whether it is defining the drive means set forth in claim 10 or other such drive structure.

In claim 15, line 2, “a ticket storage housing” is vague and indefinite as to what disclosed structure it refers; in lines 4-5, “an opposed side wall” is vague and indefinite as to what disclosed structure it refers; in line 5, “a bottom structure” is vague and indefinite as to what structure it refers; in line 6, the recitation “as well as” renders the limitation vague, and it seems that it should be deleted.

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Prior Art

6. Further consideration of the claimed invention with respect to the prior art has not been given because the claimed invention, particularly the scope thereof, remains unclear.

Response to Arguments

7. Applicant's arguments filed October 23, 2000 have been fully considered but they are not persuasive.

In general, the claims remain replete with vague and indefinite language for which a constructive prior art search cannot be effectively and efficiently performed. In particular, it remains unclear how the recited structure corresponds with the elected embodiment.

On page 10 of the amendment, applicant argues that the "housing extension" is described in the specification and shown in Figure 9 of the drawings. However, Figure 9 shows a non-elected embodiment, and thus it remains unclear as to what structure in the elected embodiment of Figures 1-2 the recitation "housing extension" refers.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
April 23, 2001